

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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FREDERICK JACKSON, #214 603

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Plaintiff,

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v.

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2:06-CV-478-WHA  
(WO)

COI HOWARD ROBINSON, *et al.*,

\*

Defendants.

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**RECOMMENDATION OF THE MAGISTRATE JUDGE**

Plaintiff filed this 42 U.S.C. § 1983 action on May 26, 2006. On July 7, 2006 the court entered an order of procedure which instructed Plaintiff, among other things, to inform the court of any change in his address as all parties have an affirmative duty to inform this court of any address changes during the pendency of their actions. (Doc. No. 7.)

The court recently learned that Plaintiff is no longer housed at the Elmore Correctional Facility which is the last known address the court has on file for Plaintiff. Consequently, an order was entered on November 21, 2006 directing Plaintiff to inform the court of his present mailing address. (Doc. No. 16.) Plaintiff was cautioned that his failure to comply with the court's November 21 order would result in a recommendation that this case be dismissed. (*Id.*) On November 27, 2006 the envelope containing Plaintiff's copy of the court's November 21, 2006 order was returned to the court marked as "returned to sender; moved, left no address." As it appears that Plaintiff is no longer residing at the address he

provided to the court when he filed the instant complaint, and that he has not provided this court with a new address, the undersigned concludes that dismissal of the complaint at this juncture is appropriate.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be DISMISSED without prejudice for Plaintiff's failures to prosecute this action properly and to comply with the orders of this court.

It is further

ORDERED that the parties are DIRECTED to file any objections to the Recommendation on or before **December 12, 2006**. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5<sup>th</sup> Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11<sup>th</sup> Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11<sup>th</sup> Cir. 1981) (*en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on

September 30, 1981.

DONE, this 29<sup>th</sup> day of November, 2006.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE